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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/977,855	10/11/2001	Bungo Yokoo	47434-31	3813

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EXAMINER

EDMONDSON, LYNNE RENEE

ART UNIT	PAPER NUMBER
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1725

DATE MAILED: 05/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/977,855

Applicant(s)

YOKOO, BUNGO

Examiner

Lynne Edmondson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 3/24/03.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 44-72 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 44-56 is/are allowed.
- 6) ☒ Claim(s) 57-59 and 63-72 is/are rejected.
- 7) ☒ Claim(s) 60-62 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 November 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☒ Interview Summary (PTO-413) Paper No(s). 6
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## Interview Summary

Application No.

09/977,855

Applicant(s)

YOKOO, BUNGO

Examiner

Lynne Edmondson

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All participants (applicant, applicant's representative, PTO personnel):

(1) Lynne Edmondson.

(3)\_\_\_\_\_.

(2) Sung Oh.

(4)\_\_\_\_\_.

Date of Interview: 13 March 2003.

Type: a) ☒ Telephonic b) ☐ Video Conference  
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☐ No.  
If Yes, brief description: \_\_\_\_\_.

Claim(s) discussed: all.

Identification of prior art discussed: Oki JP-53-118524-A and Kosslow USPN 5524809.

Agreement with respect to the claims f) ☒ was reached. g) ☐ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

\_\_\_\_\_  
Examiner's signature, if required

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: A proposed amendment will be sent wherein the second element of independent claim 44 will be changed from "a handle having an opening adapted to receive..." to read "a handle having an opening along the centerline of the handle adapted to receive..." which overcomes the Oki reference. Kosslow does not teach a releasable handle (teaches fixed) or the instant handle location (handle is placed at one end of the sleeve) and therefore does not read on the instant independent claims. These rejections will be withdrawn upon receipt of the formal amendment .

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 57, 63-66 and 70-72 are rejected under 35 U.S.C. 102(b) as being anticipated by Oki (JPN 53-118254)

Oki teaches a cartridge type soldering iron assembly comprising a sleeve (4) having a proximal and distal end, a gripping means (handle 6) between the proximal and distal end of the sleeve. The sleeve has a proximal end adapted to be coupled to a connector (7) and a distal end adapted to couple to a tip (2). An insulating sheath is placed between the sleeve and handle. A heating means is disposed within the sleeve. The handle is releasably located between the distal and proximal ends of the sleeve. There is no first handle to remove. See abstract and figures 1-6.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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2. Claims 58, 59 and 67-69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oki (JPN 53-118254).

Oki teaches a method of assembling a cartridge type soldering iron assembly comprising inserting a sleeve (4) through an opening in a releasably attached handle (6). The sleeve has a proximal end adapted to be coupled to a connector (7) and a distal end adapted to couple to a tip (2). An insulating sheath is placed between the sleeve and handle. A heating means is disposed within the sleeve. The handle is releasably located between the distal and proximal ends of the sleeve. There is no first handle to remove. See abstract and figures 1-6. As shown in the drawings, the handle and sleeve fit firmly. However, there is no disclosure of a ring around the insulator at a distance from the electrical contact or of replacing the handle for a better fit.

It would have been obvious to place a ring around the insulator as a stop for the handle to prevent the handle from going over the top of the proximal end and damaging the connector (7). As the handle is detachable, it can be removed for any reason including but not limited to replacement for repairs or replacement to attach a different size or type of handle.

### ***Response to Arguments***

3. It is noted that all of the conflicting claims in copending application 09/842992 have been canceled. Therefore the provisional double patenting rejections are withdrawn.

4. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., a handle having an opening to receive the sleeve) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

5. In response to applicant's argument that Oki teaches away from the instant invention, particularly that the handle does not comprise an opening, see figure 1 which teaches the two part gripping means comprising the pencil shaped handle (6) and attachment means (5). Although the parts may be integral or separate (detachably mounted) (translation page 6) both parts form the gripping means. The attachment means (5) is required to attach the handle (6) for use of the soldering tool and both parts move together releasably in the placement process.

Therefore the 102 rejection of claims 57, 63-66 and 70-72 as anticipated by Oki stands. The 103 rejection of claims 58, 59 and 67-69 as obvious over Oki also stands.

***Allowable Subject Matter***

6. Claims 44-56 are allowed.

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The following is an examiner's statement of reasons for allowance: Although it is known in the art to employ contact fingers and multilayered handles which may comprise graphite, there is no disclosure of such a handle disposed between the ends of a sleeve/tube. Such handles are typically attached at one end or the other. See Kosslow et al. (USPN 5524809), Lichtenstien (DE 3929585 A1) and Cowell (USPN 5329085). When the handle is releasable and placed between the ends of the sleeve, the handle opening is not along the centerline of the handle. See Oki(JPN 53-118254-A).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

7. Claims 60-62 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: Solder iron handles are typically attached at one end or the other. See Lichtenstien (DE 3929585 A1) and Cowell (USPN 5329085). Neither is an acute connector angle disclosed. Vella (USPN 4773582) teaches various angled connectors but none of the angles are defined.



***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kurpiela et al. (USPN 6215104 B1, temp sensor, fingers) and Claghorn et al. (USPN 4700031, replaceable handle).

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lynne Edmondson whose telephone number is (703) 306-5699. The examiner can normally be reached on Monday through Thursday from 6:30 a.m. to 5 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Dunn can be reached on (703) 308-3318. The fax phone numbers for

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the organization where this application or proceeding is assigned are (703) 305-7718 for regular communications and (703) 305-7115 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0651.

Lynne Edmondson  
Examiner  
Art Unit 1725

LRE  
May 27, 2003

  
TOM DUNN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1700